IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 1601 of 2004**

Between:

Srimadvirat Pothulari Veerabhrahmendra Swamy Mutt, Kandimallaiahpalli Village, Brahmamgari Mutt Mandal, Kadapa District rep its Mandal, Kadapa District, rep by Manager, Sri P. Penchalaiah, S/o Late Rajaiah, 51 R/o Brahmamgari Mattam Village & Kadapa District

**... PETITIONER**

AND

1 The Government of Andhra Pradesh, rep by Secrtary, Revenue (Endowments-

II) Department, Secretariat Buildings, Hyderabad
2 The Commissioner of Endowments, Government of Andhra Pradesh, Tilak

Road, Hyderabad
3 The Assistant Commissioner, Endowments, Kadapa, Kadapa District
4 K. Gangadhara Charyulu S/o late K. Ramacharyulu R/o Brahmamgari Mutt

Town and Mandal, Kadapa District

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Certiorari, calling for the records pertaining to Memo No. 60538/Endt.II(1)/2000-2, dated 17-01-2004, passed by the first respondent herein, quash the same as illegal, arbitrary and unjust and violative of the provisions of Act 30 of 1987

**Counsel for the Petitioner: SMT.N.SHOBA**

**Counsel for the Respondents 1 to 3: GP FOR ENDOWMENTS**

**Counsel for the Respondent No.4: MR. S. RAMACHANDRA PRASAD**

**The Court made the following order:**

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**ORDER:**

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Petitioner-Mutt questions the Memo of the Government dated 17.01.2004 in observing that there is no hurdle in printing the name of 4th respondent as Peddacharyulu in the invitation booklets, as a matter of respect, as was done previously.

There is no dispute with regard to the honours given to the Peddacharyulu with Vastrams and Sambhavanams during the festivals such as Sivarathri, Aradhana, Devi Navaratrulu etc.

It is stated that the name of Peddacharyulu was printed in the booklet till 1999 but subsequently the Manager of the Mutt discontinued to print the name of Peddacharyulu from 1999. Therefore, the 4th respondent herein, K. Gangadharacharyulu and others filed a representation before the Commissioner, Endowments Department, requesting him to appoint them as Peddacharyulu as they were doing service at the time of festivals in the said Mutt as per the directions of the Mutt authorities. The Commissioner of Endowments by order dated 08.05.2000 disposed of the said representation stating that the 4th respondent and others were assisting the Mutt during Aradhana, Devi Navaratrulu, Sivarathri and other periodical festivals as per the instructions of the Mathadhipathi and their service was confined to 20 days during the festivals only in the entire year for which they were honoured with Vastrams and Sambhavanams by the Mutt authorities and they are neither servants nor mirasidars of the Mutt. While observing the same the Commissioner passed the said order informing the Mathadhipathi that printing the name of the

4th respondent in the invitation booklet of festivals do not attract any usage and custom and it is for the Mutt authorities to print the names of the applicants i.e., 4th respondent and others in the invitation booklet as per the discretion of the Mathadhipathi and the 4th respondent cannot claim his name to be printed as a matter of right. The Commissioner gave instructions to that effect. Aggrieved by the said order dated 08.05.2000 the 4th respondent herein filed a revision to the Government.

The Government while disposing of the revision vide their Memo dated 17.01.2004 observed that since, the usage, custom and sampradayam has been protected under the provisions of Section 142 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act) and the Mutt Authorities have also been honouring Peddacharyulu with Vastrams and Sambhavanams during the festivals such as Sivarathri, Aradhana, Devi Navaratrulu etc. As such there is no hurdle in printing the name of Peddacharyulu on the invitation booklet as a matter of respect to him as was done previously. Aggrieved by the said Memo dated 17.01.2004 this writ petition is filed stating that there is no post as Peddacharyulu, as such, in the Mutt records and the process of honouring the father of the 4th respondent and thereafter the 4th respondent with Vastrams and Sambhavanams during festivals is continued but printing the name of 4th respondent as Peddacharyulu is not an honour saved under Section 142 of the Act. Admittedly, the rights of the Mirasidars, Archakas and other office holders and servants have been abolished under Section 34 of the Act but under Section 142 of the Act honour to which any person is entitled by custom, performance of or interference with the religious worship, ceremonies and poojas in religious institutions according to the Sampradayams and Agamas followed in such institutions are saved. Certain interferences with the religious or spiritual functions of the head of a Mutt including those relating to imparting of religion instructions or rendering spiritual service are also saved.

Admittedly, whatever honours the 4th respondent and his forefathers were getting insofar as Vastrams and Sambhavanams during the festivals such as Sivarathri, Aradhana, Devi Navaratrulu etc is being continued and if such honour has not been taken away by the Mutt. The only question that arises for consideration as to whether printing the name of Peddacharyulu in an invitation booklet is an honour. There is no post as Peddacharyulu, as such, in the petitioner-Mutt. Therefore, I am of the view that printing the name of

Peddacharyulu in the invitation booklet cannot be said to be an honour and, as such, the same has been saved under Section142 of the Act. The Commissioner of Endowments, rightly held that printing the name of Peddacharyulu in the invitation booklet of the festivals do not attract any usage, custom and it is for the Mutt authorities to decide whether to print the name of any particular person or not. The Government has also not decided as to whether the 4th respondent is entitled to get his name printed as an honour. It only stated that printing the name of Peddacharyulu on the invitation booklet is just a matter of respect to him. Honours are different from printing of the name of persons in the invitation booklet.

Therefore, I am of the opinion that printing the name of Peddacharyulu in the invitation booklet by the Mutt authorities is not an honour saved under Section 142 of the Act. There is no dispute with regard to the entitlement of the 4th respondent as regards Vastrams and Sambhavanams during festivals as agreed by the petitioner-Mutt.

Accordingly, the observation of the Government in the impugned memo is set aside and the writ petition is allowed. No costs.

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V. ESWARAIAH, J

March 7, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Monday the Seventh day of March Two thousand and Five.

To

1 The Secretary, representing the Government of Andhra Pradesh, Revenue

(Endowments-II) Department, Secretariat Buildings, Hyderabad
2 The Commissioner of Endowments, Government of Andhra Pradesh, Tilak

Road, Hyderabad
3 The Assistant Commissioner, Endowments, Kadapa, Kadapa District

4 Two CCs to GP For Endowments, High Court Buildings, Hyderabad (OUT)

5 Two CD Copies.